

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JAVIER SEGOVIA MENDIOLA

Plaintiff,

vs.

**KENNETH P. HARTLEY and KEVIN
P. HARTLEY, HARTLEY PRODUCE,
LLC and B & H FARMS, LLC.**

Defendants.

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Civil Action No. 7:22-cv-00401

DEMAND FOR JURY TRIAL

**PLAINTIFF'S MOTION TO CONTINUE DEADLINE FOR RULE 26(F) REPORT
AND SCHEDULING CONFERENCE AND SECOND MOTION TO EXTEND
DEFENDANTS' DEADLINE TO ANSWER**

TO THE HONORABLE JUDGE HINOJOSA:

Plaintiff Javier Segovia Mendiola ("Plaintiff") submits this Motion to Continue the Deadline to File Rule 26(f) Report and Scheduling Conference and Second Motion to Extend Defendants' Deadline to Answer and in support thereof would respectfully show the Court the following:

1. This case was filed on November 21, 2022, and Defendants were served on December 1, 2022. Dkts. 1 and 7. The original deadline for Defendants to file an answer was therefore December 22, 2022. Fed. R. Civ. P. 12(a).

2. The Court set a Scheduling Conference for February 9, 2023 at 2:30 pm. Dkt. No. 3. The order required the parties to conduct a Rule 26(f) conference and submit a joint report of the meeting and discovery/case management plan at least 10 days prior to that date to the date of the Scheduling Conference. *Id.*

3. On December 21, 2022, Plaintiff filed a motion at Defendants' request asking the Court to extend Defendants' original deadline to file an answer, December 22, 2022, for an additional 21 days to January 12, 2023. Dkt. No. 8.

4. On December 22, 2022, the Court granted Plaintiff's motion and extended Defendants' answer deadline to January 12, 2023. Dkt. No. 9. This extension allowed the parties additional time to attempt resolution.

5. Since the Court's Order on December 22, 2022, the parties have engaged in additional discussions regarding resolution. The parties remain optimistic that they can reach a resolution in this case.

6. Defendants have requested, and Plaintiff agrees to, a second extension of Defendants' deadline to file an answer for an additional 8 days to January 20, 2023.

7. This extension will allow the parties additional time to attempt resolution. The parties have been working amicably and diligently to reach a resolution and will continue to do so.

8. For the reasons stated above, Plaintiff respectfully asks the Court to extend Defendants' deadline to file an answer to January 20, 2023, and to reset the initial Scheduling Conference to a date after February 9, 2023.

9. This motion is not sought for purposes of delay but in the interest of judicial efficiency and justice for all parties involved.

Respectfully submitted,

TEXAS RIOGRANDE LEGAL AID

/s/ A. Vail Kohnert-Yount

A. Vail Kohnert-Yount

Texas Bar No. 24123305

S. Dist. No.: 3779012

Texas RioGrande Legal Aid, Inc.

1206 E. Van Buren St.

Brownsville, Texas 78520

Telephone: (956) 364-3801

Fax: (956) 591-8752

Email: akohnertyount@trla.org

ATTORNEY-IN-CHARGE FOR PLAINTIFF

Alan A. Dicker

Texas Bar No. 24131175

Texas RioGrande Legal Aid, Inc.

1331 Texas Avenue

El Paso, Texas 79901

Telephone: (915) 585-5114

Fax: (956) 591-8752

Email: adicker@trla.org

Admitted *pro hac vice*

Lakshmi Ramakrishnan

Texas Bar. No. 24037324

S. Dist. No.: 33872

Texas RioGrande Legal Aid, Inc.

300 South Texas Blvd.

Weslaco, Texas 78596

Telephone: (956) 447-4850

Fax: (956) 591-8752

Email: lramakrishnan@trla.org

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2023, the foregoing document was filed via electronic service in accordance with the Federal Rules of Civil Procedure.

/s/ A. Vail Kohnert-Yount

A. Vail Kohnert-Yount

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ORDER

On this the ____ day of _____, 2023, came to be heard Plaintiff's Motion to Continue the Deadline to File Rule 26(f) Report and Scheduling Conference and Second Motion to Extend Defendants' Deadline to Answer. After considering said motion, the Court finds the motion should be, and hereby is, GRANTED.

Defendants' deadline to file an answer in this case is January 20, 2023. The scheduling conference currently set for February 9, 2023 shall be reset to _____, 2023 at ____ am/pm.

The parties shall conduct the Rule 26(f) conference and submit a joint report of the meeting and discovery/case management plan at least 10 days prior to that date.

Plaintiff shall serve a copy of this Order on all Defendants.

SIGNED on ____ day of _____, 2023.

Judge Ricardo H. Hinojosa